

REMARKS/ARGUMENTS

This Amendment is filed in response to the Office Action dated October 21, 2003.

Claims 19, 21 and 23 through 30 have been canceled.

New claim 31 is restricted to the practice of the invention using an extract from the plant *O. gratissimum*.

New claim 32 is restricted to the practice of the invention wherein the virus is HIV.

The Examiner has objected to former claims 19 through 22 for lack of enablement for an *O. gratissimum* extract to inhibit HIV viral replication in a mammal or in any other cell line. New claim 31 does not claim inhibition of HIV viral replication in mammals or cell lines. Rather, the claim is directed to a method of inhibiting cytopathic effects of a virus in a virus-infected cell. None of claims 20, 22, 31 and 32 encompass macro effects in an individual or animal organism; rather all are restricted to cytopathic effects at a cellular level. Inhibition of cytopathic effects of a virus in a cell have clearly been enabled.

It is believed that the Examiner's discussion of *in vitro* and *in vivo* effects is irrelevant to the present claims. Applicant has demonstrated that an *Ocimum gratissimum* extract does inhibit the cytopathic effects of a virus in a cell, and the claims are so restricted.

The Examiner has objected to certain of the former claims as anticipated by El-Said *et al*. The Examiner relies on El-Said's disclosure of the use of an extract of *O. gratissimum* for treatment of fevers. The Examiner opines that fever is a symptom which is associated with viral infections, and therefore treatment of viral infection using an extract of *O. gratissimum* is anticipated by El-Said.


Regardless of whether or not the Examiner is correct, the claims do not claim treatment of a viral infection using an extract of *O. gratissimum*. No treatment of an individual or animal is involved whatsoever. Rather, the claims relate solely to the use of an extract of *O. gratissimum* to inhibit cytopathic effects of a virus inside a cell. El-Said *et al* cannot anticipate the claims as amended since each and every feature of the amended claims is not found in the cited reference.

Appl. No. 09/978,593

It is believed that these amendments and remarks resolve all of the Examiner's concerns, and we look forward to timely issuance of a Notice of Allowance..

Respectfully submitted,

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